

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

PIONEER SERVICES, INC.,)	
)	
PLAINTIFF,)	
)	
V.)	2:06cv377-WKW
)	
AUTO-OWNERS INSURANCE)	
COMPANY,)	
INC., et al,)	
)	
DEFENDANTS.)	

MOTION TO CONTINUE PRETRIAL CONFERENCE

COMES now the Plaintiff in the above styled cause and moves this Court for an order continuing the Pretrial Conference currently scheduled on May 30, 2007. As grounds for said Motion, Plaintiff would state as follows:

1. This action was filed on April 26, 2005 in the Circuit Court of Covington County, Alabama. Thereafter on April 25, 2006 this case was removed to the U. S. District Court for the Middle District of Alabama. (see doc. No. 1)
2. Counsel for Plaintiff has been appointed as special litigation counsel in the matter of Susan DePaola , Chapter 7 Trustee for Collins Signs, Inc. v. Nissan North America, Inc., et als, Case No. 1:04-cv-00267 (hereinafter "the Collins Signs litigation").
3. The Collins Signs litigation was commenced on March 19, 2004 and is pending in the U. S. District Court for the Middle District of Alabama, Southern Division before the Honorable Judge Lyle E. Strom.

4. The Defendants in the Collins Signs litigation have located a key witness, Mr. Martyn Fischer, in London, England who previously was a project manager essentially involved in the transactions giving rise to the Collins Signs litigation. Mr. Martyn Fischer is no longer employed or affiliated with any of the Defendants in the Collins Signs litigation. Mr. Fischer resides in London, England and is beyond the subpoena power of the American Courts.

5. Mr. Fischer has indicated his willingness to be deposed on May 30th in London, England. Counsel for the defense in the Collins Signs litigation has indicated Mr. Fischer is only available on May 30th and that because of this restricted availability they must schedule his deposition for that date. (see attached Exhibit "A" Notice of Deposition and Exhibit "B" e-mail from the Defendants in the Collins Signs litigation).

6. It is critical that the undersigned counsel attend this deposition in order to properly represent the Bankruptcy Trustee in his role as special litigation counsel.

7. Counsel for the Plaintiff has conferred with counsel for the defense in the present case and defense counsel has consented to a continuance of the pretrial hearing currently scheduled for May 30, 2007. Both counsel for Plaintiff and Defendant are available on June 11, 2007 if the Court wishes to reschedule the pretrial hearing on that date.

WHEREFORE, premises considered, counsel for Plaintiff would request that this Court continue the pretrial hearing currently scheduled for May 30, 2007 in this matter to a date convenient to the Court's calendar thereafter.

Respectfully submitted this the 15th day of May, 2007.

s/Harry P. Hall, II
Attorney for Plaintiff
Harry P. Hall, II (HAL053)
P.O. Drawer 2228
Dothan, Alabama 36302

CERTIFICATE OF SERVICE

I hereby certify that I have on this date served a copy of the foregoing upon the following individual(s) by electronic means or by U.S. Mail postage prepaid and properly addressed on this the 15th day of May, 2007.

Roger S. Morrow
Joel H. Pearson
P.O. Box 4804
Montgomery, Alabama 36103-44804

s/Harry P. Hall, II
Of Counsel